UNITED NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/SR.657
9 October 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 657th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 28 September 2000, at 10 a.m.

Chairperson: Mr. RABAH
(Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Central African Republic

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais Des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44665 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Central African Republic (CRC/C/11/Add.18; HRI/CORE/1/Add.100; CRC/C/Q/CAR/1; CRC/C/1/(Future)11)

1. At the invitation of the Chairperson, Ms. Dea, Mr. Dibert Dollet, Mr. Samba, Mr. Morombaye Tony, Ms. Sapho and Mr. Adjibade (Central African Republic) took places at the Committee table.

2. Ms. DEA (Central African Republic) said that the Central African Republic had ratified the Convention in 1992, but had only submitted its initial report in 1998. To a great extent, that delay had been due to the two years of social and political upheaval which the country had experienced. Immediately after ratification, the Government had taken a number of steps to implement the Convention, including the adoption of a National Plan of Action for the Survival, Protection and Development of Children, the establishment of a National Committee to monitor application of the Convention, the organization of States General on Education and Training and of States General of Children and Youth, the holding of a Children in Difficulty Week and the creation of a committee responsible for arranging the adoption of children. More recently, it had set up a Children's Parliament, adopted the Family Code Law and established a committee against trafficking in children. The Government had also ratified several international human rights instruments.

3. Progress had been made in a number of areas. Polio and dracunculiasis had nearly been eradicated, and intensive campaigns had been conducted to overcome iodine deficiencies, diarrhoeal diseases and malaria. Breast feeding and child spacing had been encouraged, and access to drinking water, basic medicines and primary health care had improved. The right to education was guaranteed for all children by an act adopted in 1997, and considerable effort had been made to build schools, although the situation was still far from satisfactory. The judicial system had been reformed and a juvenile court established, and certain structures such as the Children's Parliament and Child Ambassadors for Peace had been set up to foster children's participation in society.

4. Because of material constraints, the State's efforts, which enjoyed the support of non-governmental organizations (NGOs) and development partners, were insufficient. Public information on human rights was not easy to provide, especially for the most disadvantaged and vulnerable groups living in rural areas, where customary law still took precedence over positive law. The lack of social and economic integration and of access to health care for such populations was a subject of concern.

5. The only juvenile court established so far was located in the capital. No children's prisons existed, and the training of specialists such as children's judges, specialized teachers and psychologists had encountered serious problems.

6. In that context, the Government's main challenges were to fight poverty and ignorance, to reduce the infant and child mortality rates, to overcome social and cultural backwardness and to reintegrate street children. The Government had identified a number of measures, including the development of information, education and communication on the rights of the child, the promotion of school attendance among the most disadvantaged children, in particular girls, access to health care and the training of staff in appropriate techniques for the provision of special protection when it was required. It was necessary to strengthen the National Committee and its local branches, to support NGOs working in rural areas and to set up a database on children requiring special protection. The Central African Republic was currently undergoing a difficult period, which was having a negative influence on the Government's political will to implement the Convention. In such circumstances it was all the more important to commend the work done jointly with the United Nations Children's Fund (UNICEF) and other agencies to help the country meet its commitments.

7. Ms. OUEDRAOGO, having commended the State party for sending a high-level delegation which included a representative of civil society, noted that the initial report was clear and precise, and generally followed the guidelines established by the Committee. The report, which offered detailed information on the legislation adopted and the problems encountered in implementing it, conveyed a clear understanding of how the Convention was applied. However, it had several shortcomings. It did not mention freedom of association and peaceful assembly, nor did it address questions related to an adequate standard of living; drug abuse; sexual abuse and exploitation; the abduction, sale and trafficking of children; other forms of exploitation and the situation of children in minority or indigenous groups. HIV/AIDS and education were not given sufficient attention, and insufficient information was included on juvenile courts, the activities of the Ambassadors for Peace and the States General of Children and Youth. There was no information on the dissemination of the Convention or on the concrete results of measures taken in the fields of education and health.

8. The report's conclusions provided a very objective summary of the implementation of the Convention and the main achievements concerning the rights of the child, together with an outline of the constraints the country faced and the problems which remained despite the Government's efforts. The country's economy was weak. Corruption and impunity were serious problems. The structural adjustment programme had resulted in a deterioration of living standards, and access to social services, including health and education, was limited. The economic situation had been worsened by political instability. Many traditional attitudes and customs hampered acceptance of the Convention and its principles. The country was also coping with a large influx of refugees and the spread of HIV/AIDS.

9. Despite those difficulties, the Government had taken some positive steps. It had held the States General of Children and Youth in 1995 and the States General on Education and Training a year before. It had established a Children's Parliament and adopted the Family Code Law, which dealt extensively with children's rights. Assault causing bodily harm against children had been prohibited, and that prohibition applied to excision, a practice which had also been banned by decree. The abduction of children and failure to recognize one's child and to pay child support had been prohibited. A decree had been issued under which it was a punishable offence to prevent a girl from continuing her education. The new Constitution, which took the Convention's principles into account, reaffirmed the importance of children and established the

duty of the State to protect children and youth against violence and insecurity, exploitation and moral, intellectual or physical neglect. The Government had established juvenile courts and had set up child development plans at the local level.

10. The report did not specifically state whether the Convention could be invoked directly in court. She asked whether that was possible, and whether judges applied its provisions. According to the core document (HRI/CORE/1/Add.100), some judges strictly applied the principles of "no offence without a law" (nullum crimen sine lege) and "no penalty without a law" (nulla poena sine lege). She asked whether the Convention was considered a law in that sense, and whether any cases of violations of children's rights had been the subject of legal action. To what extent were the commendable legal provisions taken by the Government reflected in the everyday life of children? Had the Government reviewed the legislation to bring it into line with the Convention?

11. Mr. FULCI endorsed Ms. Ouedraogo's comments, in particular with regard to the presence of a representative of an NGO in the delegation. He asked to what extent Parliament was involved in the protection of children's rights. Had the initial report been discussed by the Parliament or by a parliamentary committee before it had been submitted? According to the report, lack of awareness of children's rights was an obstacle to implementation of the Convention. He would welcome information on measures taken or planned in order to make the Convention and children's rights better known among both adults and children. Information on the Convention should be included in school curricula.

12. It was not entirely clear from the report which bodies had primary responsibility for the implementation of children's rights. According to a study conducted in 1994 by the Ministry for the Advancement of Women and National Solidarity, the absence of a framework for coordinated action for children had resulted in a shortage of specialized institutions and staff for the rehabilitation, reintegration and legal protection of children, and a lack of mobilization to finance activities for children. That would suggest a need to establish a body to inform the public, mediate in disputes, provide advisory services and coordinate action. Since 1994, had the Government taken any steps to set up such a body?

13. The report made no reference to cooperation with United Nations agencies in the protection of children's rights. Information on the work of UNICEF in the Central African Republic, for example, would be of interest.

14. Ms. RILANTONO said that the State party had made commendable progress in implementing the rights of the child, in particular by establishing in 1993 the National Committee to monitor application of the Convention, which consisted of elected members, ex officio members, NGO representatives, professionals and civic leaders. According to the information provided by the Government, the National Committee was administratively attached to the Ministry of Justice. Was the Committee a Government agency? Its funding was reportedly provided by non-governmental sources, in particular UNICEF. The National Committee had the potential to act as a coordinating body not only for monitoring implementation, but also for providing advisory services to help define policies relating to children and for promoting children's rights. Perhaps the membership of the Committee should be extended, for example to include the Ministry of Information. Had the initial report been

drawn up taking the view of civil society into consideration? The reporting process itself was intended as a means of facilitating communication and sensitizing the public to the need to respect the rights of the child.

15. Mr. DOEK said it was not clear from the report whether there were two committees, or only one, working in the area of children's rights. If there were two committees, how did they differ, and were they independent of the Government? He would be interested to know whether the role of the National Committee to monitor application of the Convention (CNSCDE) formed in 1993 included specific authority to investigate cases brought to its attention. Was a clear and accessible complaint procedure in place, and were children aware of it?

16. He welcomed the creation of the Children's Parliament, an excellent example of a forum for children to express their views nationally and contribute to decision-making. What official follow-up had been given to the concerns expressed by children at the second session of their Parliament, which had been attended by the Prime Minister? Turning to the definition of the child, he said that most countries' legislation reflected the human rights situation as it stood rather than set innovative standards. He asked why children could seek medical, but not legal advice, and whether the obstacles referred to in the written replies were related to the cost.

17. He was dismayed to learn that minors were not held liable for damage they caused, and wondered who was held responsible in such cases? If children aged 16, and even 14, could be prosecuted for criminal acts, how could they not be held responsible for damage? Did the Convention's principle of the evolving capacities of the child not call for equally increasing responsibilities? He asked how that issue was addressed in the legislation.

18. Ms. EL GUINDI asked to what extent the country's domestic legislation complied with the Convention. She also wished to know the status of the ministries involved in the CNSCDE and in what way it helped implement the provisions of the Convention. Who was responsible, and what was the actual relationship between the two levels?

19. Ms. MOKHUANE requested clarification of an apparent contradiction in the written reply to the question on inheritance: how did the claim that there was no legal distinction between boys and girls agree with the statement that under customary practice boys were usually designated as the legal heir or administrator of the estate? What was the actual legal situation with regard to inheritance? She asked whether customary law existed as well as customary practice and, if so, how it fitted in with formal legislation.

20. She wished to know why the Central African Republic had not ratified either the International Labour Organisation Minimum Age Convention No. 138 or its Worst Forms of Child Labour Convention No. 182. Also, what were the challenges encountered and achievements made in implementing the 1993 National Plan of Action for the Survival, Protection and Development of Children?

21. Ms. KARP commended the Central African Republic for its inclusion of some of the Convention's basic principles in the Constitution itself, given the profound contrasts in the country's cultural background, which demonstrated its political will to enhance the exercise of

human rights. However, traditions and customs seemed to have pride of place. She asked whether religious and traditional leaders might not be encouraged to help change attitudes.

22. Reference had been made in the written replies to the failure to implement the National Plan of Action owing to the lack of an overall policy for its goals. She inquired about the general attitude to the Plan of Action. Concerning the Children's Parliament, who were the "Children's Ambassadors", and what was their role and impact? Were they associated with a UNICEF project?

23. She would appreciate comments from the delegation on the negative impact of the authorities' flouting of human rights laws relating to the juvenile justice system, respect for children's views, birth registration, and inheritance. While the State party was not alone in failing to enforce legislation, the authorities' unabashed failure to comply negated the legislation and undermined the very rule of law. How was the situation being addressed?

24. Ms. TIGERSTEDT-TÄHTELÄ asked whether the child-rights recommendations which the CNSCDE had submitted to the Government covered legislation or customary practices, and what effect they had been given. Implementation of any new policy or legislation required budget allocations. Were those provided for in the Central African Republic, and, if so, were funds earmarked in advance? As an indication of government priorities, what share of the budget was allocated to education and health?

25. Despite the country's poverty, it must certainly receive tax revenue. She asked what system was employed to incorporate those resources into the budget. Lastly, did the decentralization referred to involve the creation of new bodies? If so, how were the necessary resources obtained?

26. Ms. RILANTONO asked whether the fact that education was compulsory for girls up to the age of 21 meant that girls were required to attend school until that age, or whether that was simply a measure for protecting them from early marriage.

27. Ms. OUEDRAOGO asked who elected the members of the CNSCDE, the duration of its mandate, the composition of its membership and whether it included young people. She would like to know how the decisions of the Children's Parliament were implemented and how both Parliaments interacted. How were complaints against parents addressed and what was the public's reaction?

28. She would welcome information about the testing of the recent National Poverty Reduction Plan (PNLCP) in some pilot prefectures. She would also like to know whether a system existed for the registration of NGOs whether they were organized into networks and what were their main fields of activity. How widely was the Convention known as a result of the numerous dissemination activities described in the written reply to question 5? What method of communication had been used and what had been the public's reaction, particularly to the principles establishing the child as a juridical person?

29. Turning to the definition of the child, she asked whether any campaigns on early marriage had been conducted and how that traditional practice could be reconciled with the legal

provision establishing 18 as the age of marriage. Also, how were children protected from premature voluntary enlistment when birth certificates could be so easily altered? She requested an explanation of the general laxity with regard to substance and alcohol abuse, and suggested that the legislation on protection should be improved.

30. The CHAIRPERSON requested further information about measures to harmonize customary practice and customary law with the Convention in order to prevent discrimination between girls and boys.

The meeting was suspended at 11.30 a.m. and resumed at 11.40 p.m.

31. Ms. DEA (Central African Republic) said that the Central African Republic was prepared to modify its policies in the area of children's rights. The Government had demonstrated its political will by committing itself to implementing the Convention. Unfortunately, it was difficult to uproot certain entrenched attitudes and traditions, and the fact that the majority of the population was illiterate, made rapid communication of the underlying principles of the Convention difficult. Long-term intensive campaigns would be necessary to convince the population to accept certain of the Convention's provisions.

32. Even before the country's ratification of the Convention, numerous laws had existed for the promotion of human rights, especially those of women and children. In reality, the Government's most challenging task was changing mentalities, especially those of people in remote rural areas who would resent being told that they could not discipline their children the way they always had or take them to the fields to work. The problem was compounded by a lack of Government resources, as taxes were its only source of revenue, and by the inaccessibility of some areas, which made awareness-raising and mobilization campaigns nearly impossible.

33. Whatever action the Government took, however, progress hinged on changing mentalities, and her delegation appealed to the Committee for assistance, especially with regard to education and the girl child. An illiterate parent could not fully appreciate the value of education; children's rights were closely linked to the rights of their mothers and most poor people happened to be women.

34. In the last four years the share of the health and education budgets, in the national budget had risen 18 per cent, which was a considerable achievement, especially when compared with budget allocations in other areas. However, the vast destruction which the country had suffered remained a problem which the Government was unable to address without outside help.

35. Because of its geographical location in the centre of the African continent, the State party suffered the added problem of the spillover effects of conflicts in the neighbouring countries, with the result that the Central African Republic was now home to 15,000 refugee children.

36. The national policy document relating to the Convention had been in the design stage during the period covered in the initial report. Subsequently, five thematic groups had been established to conduct surveys, and in May 2000 technical staff of the Ministry of Social Affairs, together with members of the CNCSDE, had carried out studies in five prefectures. The policy document was expected shortly to be submitted to the Government for consideration and,

following further work and discussions, to the Parliament for adoption. A national seminar might be organized on the delegation's return to the country in order to take stock of the discussions with the Committee.

37. The members of the Children's Parliament and the Children's Ambassadors were students elected by their peers. The Children's Parliament was supported by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF) in an effort to enable children to denounce hatred and promote peace within an existing structure. Its members attended sessions of the national Parliament and presented reports, denounced violations of children's rights and formulated recommendations which the Prime Minister was required to consider. The President of the Children's Parliament had already met with the Head of State and submitted a list of recommendations.

38. Family and child promotion policy was a primary concern of the Government, but the means to execute its plans were lacking. Another serious problem was the Central African Republic's extremely high prevalence of HIV, which was linked to illiteracy and entrenched attitudes.

39. Two bodies existed for coordinating relations between the Government and NGOs. However, it had proved difficult to group NGOs according to similar activities. Perhaps the Government, in association with UNICEF, might train NGOs to help them see that the establishment of an umbrella body would have a positive impact on the population.

40. Mr. SAMBA (Central African Republic) said that the National Poverty Reduction Plan, was a Government-coordinated plan which included participation by United Nations agencies. It took into account studies focusing on the insertion and rehabilitation of children, especially in the remote rural areas, based on the recommendations of the States General on Children and Youth. The plan was being implemented on an experimental basis in four pilot regions, in order to improve the situation of women and children and of the most disadvantaged members of society. It was intended, in two years' time, to introduce an overall strategic plan, covering the entire country and targeting the same beneficiaries. The 1993 Plan of Action had proved to be inadequate because it had not included street children or rural children and because of the absence of an overall policy for implementing it.

41. Dissemination of the Convention was effective in schools but more difficult at the wider level because of the size of the country and its population density, four inhabitants per km^2. He noted that ratification of ILO Convention No. 138 concerning minimum age for admission to employment had been approved.

42. Mr. DOLLET (Central African Republic), replying to a question about the relationship between the Convention and domestic legislation, said that, under the Constitution, international law took precedence over domestic law. Concerning a question by Ms. Mokhuane, there was no customary law in the State party, only customary practices which had no binding effect. However, because of widespread illiteracy, and the country's oral tradition, it was difficult to enforce modern law.

43. Mechanisms existed under the Codes of Penal and Civil Procedures to defend the child's interests in matters of justice. A child could be provided with a State counsel of his choice and, in certain cases, such as those relating to abuse, child rights protection associations could take proceedings to court on the child's behalf.

44. Concerning children's civil and criminal responsibility, he said that children were liable for any damage they caused, subject to certain conditions. The Penal Code provided alternatives to custodial sentences for children aged 16 to 18 who were found guilty of an offence.

45. With regard to inheritance rights, he said there was no State administrator to manage children's property. A list of heirs was established, normally first the children of the deceased, with no distinction as to sex, followed by the surviving spouse and the parents. Only when there were no successors did the State intervene to dispose of the estate.

46. Like many other developing countries, the Central African Republic encountered difficulties in enforcing the law. The people, especially those living in rural areas, were ignorant about the law which was drafted in a language that was inaccessible to them. Nevertheless, for the first time in the legal history of the Central African Republic, children had brought proceedings against their parents to claim their legitimate rights. The decision in their favour had received a great deal of publicity. Many people had been amazed that children could, in fact, bring actions against their parents, under whose authority they lived; others had responded with satisfaction to the just reinstatement of rights.

47. A civil registrar who noticed that an under-age bride was pregnant, was not permitted to celebrate the marriage. Many unmarried young people, especially in rural areas, had children, a situation that was impossible to control. In response to that problem, the Ministry of Social Affairs had undertaken a campaign to inform parents of the dangers of early pregnancy.

48. The Government had had no intention of recruiting children into the armed forces; youths in training at the military academy for subsequent army careers had been drawn into the conflict. Furthermore, the Central African Republic was a poor country, and young people looking for work sometimes falsified their documents in order to qualify as recruits for the army. Army medical examiners, however, were in a position to declare that a youth was too young to serve in the military.

49. The Central African Republic was a huge territory with permeable borders, and it was therefore extremely difficult to control the movement of drugs. The only team responsible for monitoring drug use among minors operated in Bangui, the capital, and had limited resources at its disposal. The Government had ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and other relevant legal texts, but lacked the necessary resources to implement and enforce them.

50. Mr. SAMBA (Central African Republic) said that, at the request of the Association des femmes juristes de Centrafrique (Association of Women Jurists of Central Africa), a commission responsible for monitoring the implementation of the Convention had been created in 1993. In conjunction with UNICEF and the Government, the Association had organized a national seminar, which had drawn up the mandate and guidelines of the commission. In 2000, that body

had been dismantled by inter-ministerial decree, and a new national commission had been created. The membership of the new commission included members of the legal profession, representatives from most ministries and from the Office of the President, and members of the National Assembly, the Association mères de Centrafrique (Association of Mothers of Central Africa) and the parents and teachers association. A number of private individuals with a particular interest in the rights of children sat on the commission as well.

51. Sub-commissions at the central level specialized in such areas as culture and law; committees had also been set up at the prefectural level; and the process of establishing committees in rural communities and urban arrondissements had begun. Although those bodies functioned under the auspices of the Ministry of Justice, in fact they enjoyed great independence. The committees submitted reports on the situation of children to the central level. In the case of rights violations, an investigation was conducted and the institutions concerned were questioned. The work of those committees had been satisfactory, despite the shortage of resources. At the outset, the commission had been funded by UNICEF; since 1998, a modest allocation had been provided in the regular budget.

52. The Commission was endeavouring to coordinate all activities undertaken on behalf of children by the Government and the international agencies. It was empowered to formulate recommendations to the Government, had contributed to the reform of the Penal Code and the Code of Penal Procedure and had assisted in the establishment of a draft bill on juvenile delinquency. It had also held seminars, colloquiums and round tables on the situation of children in the Central African Republic, including workshops for members of the legislature and the clergy of various denominations. In addition, it had created an educational poster introducing the Convention to school children at the primary and secondary school levels, which would be displayed at the start of the next school year. Whenever the occasion arose, the Commission sought to disseminate information about the Convention on radio and television, as well as through conferences and discussions, and distributed copies of the text in French and Sango. Owing to budgetary restrictions, however, an inadequate number of copies had been printed in Sango.

53. Although the National Commission had been responsible for formulating the initial report, many sectors of society had participated in its creation, including jurists, lawyers and other professionals, and administrators. The report had then been reviewed and considered by a seminar established for that purpose. Although it had not been submitted to the National Assembly, the members of that body who sat on the Commission had contributed to its formulation.

54. Ms. SAPHO (Central African Republic) said that the Association des femmes juristes was endeavouring to promote and protect the rights of children, and to enhance the implementation of Convention provisions. Its role was to advocate for the Convention and to raise questions regarding its implementation. Unfortunately, political instability had impaired basic services, and it was difficult to argue for rights when children had no food or medicines and did not attend school. Consequently, the Association focused its efforts on attempting to persuade the Government to use its scant resources to provide better care for children, which included improving the partnership with international agencies and introducing the concept of

priorities into the budget. Although Central African children were well protected under the law, there was a considerable gap between law and practice; the Association was consequently attempting to create legislation that would reduce that gap.

55. Since the occasional failure of the Government to pay its personnel diminished the quality of services provided to children, the Association was also attempting to bring about structural reforms that would resolve that problem.

56. Although Central African law protected freedom of association, and any group of persons could freely form an organization, a code of conduct had been established. The Association had been working to group together all legislation that concerned NGOs, and expected to have a draft text ready for consideration in the near future.

57. Ms. DEA (Central African Republic), replying to a number of remaining questions, said that the National Commission had held two seminars on the Convention for teachers, and had arranged for the production of posters for primary and secondary schools. With regard to budgetary provisions, she said that the Government had established a goal of gradually raising the level of literacy. Although education had traditionally received less than 12 per cent of the budget, in the previous several years that allotment had risen to 18 per cent, and should reach 25 per cent by the year 2010. Regrettably, however, it was often difficult to free up those funds. Suppliers of educational and health materials no longer wished to deliver goods, because they could not be sure of payment.

58. The decree prohibiting girls under the age of 21 from marrying had been established at a time when many girls had been abandoning their studies in order to marry. Its purpose was to protect and promote the rights of girls. There was indeed sexual discrimination: parents preferred to send their sons to school and to keep their daughters at home to carry out domestic tasks and to work in the fields. Although equality of girls and boys was provided for by law, they were treated differently in practice.

59. Ms. OUEDRAOGO said it was clear from the report that the population of the Central African Republic tended to adhere to custom and tradition. The Government should consider working with traditional social structures, and with traditional communicators, to change attitudes; admittedly, that was a slow process. She wondered whether the Central African Republic had considered adopting the 20/20 Initiative, a programme sponsored by the United Nations and UNICEF.

60. In addition, it would be useful to know whether the Government had considered measures to involve the participation of children who were not enrolled in school in the Children's Parliament. The Government should endeavour to set up an NGO association or a network of NGOs, in order to extract the maximum profit from their activities, and in that regard, should attempt to learn from the experience of other countries. Finally, in creating its national plan of action and its national children's policy, the Central African Republic should take inspiration from the Convention's integrated, holistic approach to the rights of children.

The meeting rose at 1 p.m.